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**From:** Turley, Jennifer

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**Subject:** Water Law News for January 13, 2014



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**for January 13, 2014**

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## *Drilling*

### **Independent Tests on Fracking Reveal High Methane Levels in Some Texas Wells**

When the U.S. Environmental Protection Agency declared that a group of Texas homes near an hydraulic fracturing operation didn't have dangerous levels of methane in their water, it relied on tests conducted by the natural gas driller...

## *Mining*

### **Response Deadline Extended in Dredge-and-Fill Case**

The U.S. Supreme Court extended until Feb. 14 the deadline for the Environmental Protection Agency to respond in a lawsuit regarding its authority to veto portions of a dredge-and-fill coal mining permit issued by the U.S. Army Corps of Engineers...

## *Oil Spills*

### **Fifth Circuit Upholds BP's Settlement Of Claims From Gulf of Mexico Spill**

A federal appeals court Jan. 10 upheld approval of BP Plc's \$9.2 billion partial settlement of private-party claims from the 2010 Gulf of Mexico oil spill (In re Deepwater Horizon-Appeals of the Economic and Property Damage Class Action...

## *Water Pollution*

### **Agencies, Water Utility Cope With Emergency From West Virginia Industrial Chemical Spill**

A spill of coal-processing chemicals Jan. 9 triggered a state of emergency affecting as many as 300,000 people in West Virginia after the pollutants entered the Elk River just upstream from the intake pipe of a water treatment plant serving...

## *Water Pollution*

## EPA Gets Time to File Brief Appealing Nutrient Ruling

An appeals court has given the Environmental Protection Agency until Feb. 20 to file its opening brief to appeal a lower court decision requiring the agency to determine within six months whether states need to adopt numeric nutrient criteria...

### *Water Pollution*

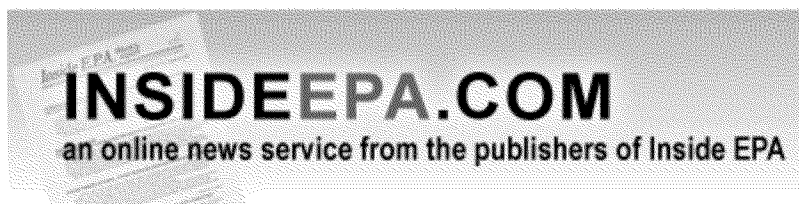
## EPA to Miss Deadline for Issuing Final Cooling Water Intake Rule

The Environmental Protection Agency confirmed Jan. 10 that it will not meet the Jan. 14 court-ordered deadline to issue final regulations governing cooling water intake structures at power plants and industrial facilities....

### *Wetlands*

## Sierra Club Challenges Parking Expansion Proposed by California Coastal Commission

The Sierra Club's San Diego Chapter has filed a lawsuit challenging the proposed expansion of parking at the Del Mar Fairgrounds, alleging the California Coastal Commission broke state law in issuing the permit requested by the 22nd District...



[inepa.com](http://inepa.com)

Inside EPA's **Water Policy Report**, 01/13/14

<http://insideepa.com/Water-Policy-Report/Water-Policy-Report-01/13/2014/menu-id-127.html>

## **EPA Flexibility On Vessel Permit Deadlines Fails To Quell Shippers' Concerns**

EPA has agreed to designate violations of its 2013 vessel general permit (VGP) in cases where shippers have won extensions to comply with related U.S. Coast Guard (USCG) technology standards a "low enforcement priority," but industry says the agency's policy does not go far enough and leaves them vulnerable to potential enforcement liability.

## **Judge Upholds Florida's Nutrient Water Rules, Clearing Way For Appeal**

**A federal judge has ruled for EPA in long-running litigation over nutrient limits for Florida's waters, holding that the agency can allow state-crafted criteria to go into effect even though they are less stringent than the rules EPA originally agreed were necessary -- a decision that clears the way for critics of the rule to appeal the suit.**

### **Latest Blogs**

## Advocates Push DOI To Reject Arctic Drilling Plan

Environmentalists are pushing the Department of Interior (DOI) to reject as incomplete a revised plan from Shell for how it will conduct exploratory oil drilling . . .

## EPA Seeks Fracking Fluid Data From California Offshore Drillers

EPA Region IX is for the first time requiring offshore drillers in southern California to maintain an inventory reporting the chemical constituents of hydraulic fracturing . . .

**Greenwire**[Greenwire](#)

### **WATER POLLUTION:**

## **Feds to probe W.Va. chemical spill; 200,000 without water**

Jason Plautz, E&E reporter

Published: Friday, January 10, 2014

The U.S. attorney in West Virginia said his office and other federal officials have opened an investigation into a spill of a chemical used in coal production into the Elk River that has effectively shut down Charleston, W.Va., the state's capital.

The White House and the state government have declared a state of emergency and hundreds of thousands of Charleston residents have been ordered not to drink tap water after the spill tainted supplies. The leak of 4-methylcyclohexane methanol, or MCHM, has left some 200,000 people across nine counties without drinking water and has closed schools, businesses and government offices.

U.S. attorney Booth Goodwin said in a news release today that the office had opened an investigation into the release and would determine both the cause and whatever action should be taken.

"Yesterday's release of a potentially dangerous chemical into our water supply has put hundreds of thousands of West Virginians at risk, severely disrupted our region's economy and upended people's daily lives," Goodwin said.

According to reports, regulators suspect that the chemical is coming from a leaking storage unit owned by Charleston-based Freedom Industries Inc., a specialty chemical producer. The tank is located at a storage facility just a mile north of the intake of a water treatment plant.

Officials have still not determined the full extent of the leak, which was discovered yesterday.

With limited supplies of bottled water, many stores ran out quickly and residents are waiting on new shipments and water trucks expected this afternoon. In a statement, Gov. Earl Ray Tomblin (D) urged residents to not use tap water for drinking, cooking, washing or bathing, adding "right now, our priorities are our hospitals, nursing homes and schools."

President Obama joined Tomblin in issuing an emergency declaration, freeing up federal aid and assistance to the state.

MCHM can cause irritation of the skin and eyes, and prolonged exposure can cause headaches and difficulty breathing. It is primarily used to separate coal particles in coal production.

## **CALIFORNIA:**

# **Gov. Brown's budget proposal targets water crisis, expands oil tax**

Debra Kahn and Anne C. Mulkern, E&E reporters

Published: Friday, January 10, 2014

California Gov. Jerry Brown (D) signaled the severity of the water shortages yesterday by devoting a significant portion of his proposed \$154.9 billion budget to shoring up water management and infrastructure.

With drought threatening drinking water supplies, crops and fish habitat, Brown advocated spending more than \$600 million on expanding reservoirs, improving groundwater management and bolstering flood protection.

"The state's water system is in crisis," Brown said in his [draft spending plan](#) yesterday. "Climate change, drought, and population growth pose significant challenges."

The funding is to carry out a five-year plan for managing water supplies. Released in draft form last year and expected to be finalized in the next few weeks, the [plan](#) lists 10 goals for all levels of government, including expanding water storage capacity, improving flood protection and increasing regional self-reliance and conservation ([E&ENews PM](#), Oct. 31, 2013).

The spending on water came in a budget that prioritized other environmental efforts but cut some green spending. Brown also proposed:

- Expanding a tax on oil to fund spill prevention efforts. Rail shipments of crude, including North Dakota Bakken oil, are expected to jump to approximately 150 million barrels per year by 2016 from the current 3 million annually. The petroleum is "extremely flammable and its transport increases the risk of serious accidents," the budget said.
- Spending \$850 million from the sale of pollution permits under the state's cap-and-trade program for greenhouse gas emissions. The money would go to a variety of outlays, including \$250 million for a controversial high-speed rail line.
- Eliminating a \$3 million adjustment that had been given last year to the California Coastal Commission to help local agencies deal with projected sea-level rise. The commission's budget would fall to \$14 million from \$17 million.

The bulk of the money for water efforts -- \$472.5 million -- is directed to encouraging local and regional agencies to work together on management. The money is the last of a 2006 voter-approved bond that authorized \$5.4 billion for water projects and is a significant increase from last year, officials said. Other expenditures include \$77 million on flood protection and \$7.8 million on groundwater monitoring and management.

"These investments in regional self-reliance are a huge win-win for the environment and the economy," said Doug Obegi, an attorney with the Natural Resources Defense Council's water program. "That really is an investment in a drought-resistant water supply for California."

Water agencies also praised the plan, highlighting funding for water storage, drinking water and flood control.

"In particular, we support the funds identified to expand water storage, which is greatly needed and long overdue, in addition to funding to improve drinking water and increase flood control, among other things," said Jennifer Persike, spokeswoman for the Association of California Water Agencies, which represents agencies responsible for 90 percent of the water delivered to cities, farms and businesses in California.

With California's return from the brink of fiscal insolvency in 2012, Brown's supporters said that he is managing the state's finances cautiously. There is a projected surplus of \$4.6 billion. But after making a number of one-time expenditures like paying back special fund loans, that balance drops to \$967 million.

Brown in the budget noted that some of the revenues came from a temporary tax increase that started last year and stock market advances that created taxable gains. Those sources will be "short-lived," he warned.

Proposition 30, a 2012 ballot measure, raised California's sales tax by one-quarter cent for four years, and for seven years boosted income taxes on people making more than \$250,000 per year. Voters approved it 54 percent to 46 percent.

A Republican tea party favorite who is running for governor noted that source of money as he criticized Brown's spending plan.

"After picking the pockets and balancing California's budget on the backs of hardworking taxpayers through the largest Tax increase in State history, Governor Brown this morning declared all of California's problems magically solved," State Assemblyman Tim Donnelly said yesterday in a statement. "It must be nice to view the State's problems through such rose-colored lenses. The reality is, a magnitude of problems still face California."

The budget for 2014-15 projects about \$7.2 billion in revenues from Proposition 30, the state's Department of Finance said.

## **High-speed rail gets carbon proceeds**

Brown's budget seeks to tap revenue from the state's landmark cap-and-trade system to

help bankroll a high-speed rail line.

A state court in November ordered the state to write a new funding plan for the \$68 billion bullet train project. Sacramento County Superior Court Judge Michael Kenny ruled that the California High-Speed Rail Authority had failed to comply with Proposition 1A, the 2009 ballot measure that approved \$9.95 billion for the train between San Francisco and Los Angeles.

Of \$850 million in estimated cap-and-trade auction revenues, the governor proposed spending \$250 million on high-speed rail and another \$600 million on renewable energy, energy efficiency and other carbon-cutting programs([\*ClimateWire\*](#), Jan. 9).

Brown also pledged to return \$100 million of the \$500 million he borrowed last year from the sale of allowances under cap and trade. Some of the cap-and-trade money is being used for water programs, as well -- \$20 million for energy efficiency improvements to water infrastructure and \$30 million for watershed and wetlands restoration, which will help sequester carbon.

California EPA Secretary Matt Rodriguez said that the state was being "conservative" in projecting that it would have \$850 million available from the sale of pollution permits. If the allowance auctions take in more than that amount, the money would be saved for the following budget year, when a decision would be made on how to spend it.

Rodriguez said he was confident that the state could withstand a court challenge of its decision to use money from cap-and-trade proceeds on the high-speed rail project.

"We've made the decision in the past, and I think [the Air Resources Board] has written letters to this effect, that high-speed rail should reduce greenhouse gas emissions," Rodriguez said. "It will take cars off the road, and we think that's important because ... roughly 40 percent of greenhouse gas emissions in California come from autos. If we can take autos off the road and have Californians use cleaner transportation options, then that will reduce greenhouse gas emissions."

## **Oil spill prevention**

The \$6.7 million in funds for oil spill prevention and administration is part of an effort to prepare for more oil being moved by rail, state officials said.

"We know that domestic production of crude oil has increased over the last years," said Chuck Bonham, director of the Department of Fish and Wildlife. "That increase has exceeded kind of our out-pipeline capacity. We know that that has caused a shift to moving oil by rail." At the same time, he said, the proposal "is about creating a statewide integrated program for oil spill preparedness and response."

Another California official noted that rail safety is a federal responsibility. The money in the budget, he said, is for the ability to respond to any problems.

The money would go toward prevention, emergency response preparedness, cleanup and enforcement measures. Funding would come from expanding a charge collected on barrels of oil. Currently, the state charges 6.5 cents per barrel of crude oil at marine ports. Under the proposal, it would be charged on all crude oil sent to refineries in the state.

Oil industry representatives said they hadn't taken a position on the fee yet but welcomed the acknowledgement of fossil fuels' role in California.

"We recognize and appreciate the increasing role that crude shipments by rail can play in California's energy future," said Cathy Reheis-Boyd, president of the Western States Petroleum Association. "This organization and this industry share the governor's goals to ensure the safety of the extraction, transportation and processing of fossil fuels in California."

## **Brown rejects severance tax idea**

While Brown is proposing to expand a charge on crude oil, he dismissed the idea of an oil severance tax yesterday, saying voters have already been subjected to tax increases.

The idea was floated late last year by billionaire political activist Tom Steyer,. He said that taxing companies on each barrel of oil produced in the state would bring California up to speed with other oil-producing states.

"I don't think this is the year for new taxes," Brown said in response to reporters' questioning in Sacramento. "I think we ought to do everything we can to learn to live within our means before going back and trying to get new taxes."

The state budget cuts Coastal Commission funding to \$14 million from \$17 million. State officials said that the \$3 million in question was money added just last year to help local agencies update their coastal plans and adapt to future sea-level rise.

During a conference call with state officials, one environmentalist advocate decried the cut. Warner Chabot, former head of the California League of Conservation Voters, said the funds are needed, "given the fact that sea-level rise is going to have such significant impacts and there are commitments to try to address adaptation."

"I'm sort of stunned by the \$3 million cut to the Coastal Commission for a program that they just had started, to deal with helping over 50 local governments update their local coastal plans, " he said. "They have scrambled, they've hired 20 staff, they've put the

program in place, they've allocated \$1 million in grant money, they developed a sea-level rise adaptation program.

"It seems like the car has just left out of the garage and is speeding, and they've removed the tires from it," Chabot added.

A state Department of Finance official told Chabot that the \$3 million added to last year's budget had been a "one-time augmentation."

In developing this year's spending plan, the official said, "there were lots of other considerations for many other programs to continue spending general funds."

## **OFFSHORE DRILLING:**

# **GOP, witnesses make case for exploring Atlantic**

Phil Taylor, E&E reporter

Published: Friday, January 10, 2014

Opening the Atlantic Ocean to modern oil and gas surveying could reveal significantly larger mineral deposits and would help companies drill more safely and efficiently, according to House Natural Resources Committee Republicans and witnesses who testified at a hearing this morning.

But Democrats and a professor of marine science warned that Congress must codify and enhance offshore safety regulations before allowing exploration in frontier waters.

Today's hearing focused on advances in seismic surveying technologies and how they could inform future energy production off the East Coast.

A top Interior Department official said the Bureau of Ocean Energy Management next month plans to finalize a sweeping plan to allow the first new seismic tests since the late 1980s in the mid- and south Atlantic.

But Republicans said they were frustrated at the time it has taken for BOEM to finish the plan, which it began in January 2009, saying new three-dimensional oil and gas survey

data are critical to informing future leasing decisions.

They said environmental groups and some Democrats are shortsighted in opposing new surveys.

"I cannot imagine a single person who would choose ignorance over scientific discovery," said Energy and Mineral Resources Subcommittee Chairman Doug Lamborn (R-Colo.).

Walter Cruickshank, BOEM's deputy director, said the agency's programmatic environmental impact statement (PEIS) for geological and geophysical (G&G) exploration has been "very complicated and challenging" and has been set back by the need for consultation with the National Marine Fisheries Service and Fish and Wildlife Service, the discovery of new science, last October's government shutdown, and the need to review 55,000 public comments.

Richie Miller, president of Houston-based Spectrum Geo Inc., a seismic surveying firm, said the G&G industry now tows longer air gun streamers that can reveal deeper oil and gas deposits with greater precision than in the 1980s. That's helped lead to a fivefold increase in oil estimates in the Gulf of Mexico and would reveal a similar increase in the Atlantic, he predicted.

"We no longer explore with the drill bit," he said. "The best decisions are made when we have the best available data."

James Knapp, an earth science professor at the University of South Carolina, said that in early days of surveying, a typical success rate for wildcat wells was three out of 10 but that with 3-D and in some cases 4-D technologies, the success is seven in 10.

In addition, he said, "using onshore seismic and well data has called into question more than 30 years of research on the Atlantic continental margin, suggesting that many previous interpretations of the geologic evolution were in error, and accordingly, so too is the estimate of the resource potential."

Republicans and witnesses also disputed arguments by environmentalists that seismic surveying, which involves loud, prolonged air gun blasts, would harm marine wildlife including whales.

Knapp called those impacts "putative," while Miller pointed to guidelines published by the International Association of Geophysical Contractors calling for marine mammal observers on vessels and the use of passive acoustic monitoring to avoid harm to wildlife.

Cruickshank said BOEM has spent nearly \$40 million over the past decade on research into the acoustic impacts of seismic surveys on marine life. The agency is contemplating a suite of wildlife mitigation steps to include in its PEIS, including seasonal restrictions to protect right whales.

But Democrats and Donald Boesch, a marine scientist at the University of Maryland who served on President Obama's BP PLC oil spill commission, said opening the Atlantic is premature since Congress is yet to implement key safety reforms recommended by the commission.

"They're really a predicate before we make these decisions to move into other areas," said Boesch, who, along with his fellow commission members, has given Congress grades of D+ and D over the past two years. "What's lacking, of course, is the law."

New Jersey Democratic Reps. Rush Holt and Frank Pallone both warned of potential harm to the Garden State's robust tourism and fishing sectors if offshore exploration were allowed.

Finalization of the PEIS would not allow drilling -- nor would it allow any site-specific seismic surveys -- but it would signal political momentum toward opening the Atlantic to production.

"I believe that would be a huge mistake," Holt said. "We should not be risking our fishing and tourism industries, sustainable industries, bringing in over \$45 billion each year and support half a million jobs in New Jersey alone, because the energy companies want to get their hands on a quick oil buck -- a little extra oil, I might add, that the industry has made clear they'd rather export."

Pallone, one of the fiercest critics of BOEM's seismic survey plan, asked Cruickshank to wait for the National Oceanic and Atmospheric Administration to finalize new guidelines for assessing acoustic impacts on marine wildlife before finalizing the PEIS.

Cruickshank said those guidelines have been issued in piecemeal fashion and there's no timeline for their finalization, so BOEM will not wait.

Environmental groups are lobbying strongly for BOEM to delay its PEIS, arguing that surveys would harm an unacceptable number of whales and fish and that compelling new science must be considered.

For example, new research from Cornell University suggests endangered right whales migrate farther from Virginia's shores than previously thought, suggesting the safety buffers BOEM is contemplating are inadequate, Oceana and the International Fund for Animal Welfare told Interior Secretary Sally Jewell last month ([\*E&ENews PM\*](#), Dec. 19, 2013).

Oceana's campaign director, Claire Douglass, criticized the lack of scientists on the witness panel.

"In a hearing about 'seismic exploration,' one can only wonder where the wildlife, fisheries and acoustic experts are," she said. "These dynamitelike blasts can cause temporary or permanent hearing loss, which can seriously harm animals that depend on

their hearing for critical life-sustaining behaviors such as feeding, mating and communicating."

Rep. Jeff Duncan (R-S.C.), an outspoken proponent of drilling off the Palmetto State's shores, said BOEM has yet to point to a single instance of seismic surveys harming marine life.

## **EVERGLADES:**

# **Land acquisition to start this month for new refuge -- Jewell**

Annie Snider, E&E reporter

Published: Friday, January 10, 2014

NAPLES, Fla. -- The Fish and Wildlife Service will later this month begin acquiring land and purchasing conservation easements in a bid to build a 150,000-acre national wildlife refuge in the headwaters of the Everglades, Interior Secretary Sally Jewell said yesterday as an annual Everglades restoration conference kicked off here.

The Everglades Headwaters National Wildlife Refuge and Conservation Area was established in January 2012 with a 10-acre donation from the Nature Conservancy and high hopes for a new model of conservation. Rather than purchasing the land outright, FWS is planning to acquire two-thirds of the acreage in the form of conservation easements, where the property remains under private ownership.

But two years later, the refuge has yet to grow beyond those initial 10 acres. Meanwhile, with the economy picking back up, developers are again making offers for some of the agricultural land that could be on the table.

Jewell, on her second trip as secretary to South Florida, yesterday joined cattle rancher David "Lefty" Durando on a tour of his 12,000-acre property and announced that the refuge would soon be growing.

"For the past two years, we have worked with more than a dozen partners, including ranchers and other private landowners, to develop a refuge that will conserve one of America's last grassland and longleaf pine savannah landscapes while preserving the

traditional way of life cherished by those who live in this area," Jewell said. "Our goal is not to set aside a monolithic block of land, but to create a patchwork that will stitch together a network of existing conservation lands within the Kissimmee River Basin."

Those lands would help capture and filter water after it runs off Orlando's streets before it runs into the Kissimmee River and makes its way 100 miles south to Lake Okeechobee, where the River of Grass begins. Today, Okeechobee is choking on nutrients, and lake discharges are fueling massive, wildlife-killing algae blooms in the estuaries on both the Atlantic and Gulf coasts.

The refuge would also provide much-needed habitat for iconic species such as the Florida panther, scrub-jay and black bear. Although ranchers could continue to run cattle over their lands under easement, the idea is that they would provide vital forage lands for wildlife being crowded out by development elsewhere.

Wildlife refuges have always been small on the landscape, said Desiree Sorenson-Groves, vice president for government affairs at the National Wildlife Refuge Association, but 50 years ago, those refuges were surrounded by agricultural land, whereas today, housing developments and other real estate often border the protected lands.

"It makes sense for the Fish and Wildlife Service to start looking at conservation in this manner because it's cheaper to the taxpayers and it's also helping to preserve a way of life, and at the same time you're getting these fantastic benefits for wildlife," she said. "We're at a time in conservation in America where we have to think about it differently."

## **OCEANS:**

# **Pollutants, heavy metals threaten Chinese dolphins -- scientists**

Published: Friday, January 10, 2014

High amounts of organic pollutants and heavy metals are threatening the pink dolphin populations of the Pearl River estuary in China, researchers said.

Scientists from Sun Yat-sen University analyzed water from the estuary and tissue samples from dolphin carcasses. They detected high levels of metals such as mercury,

lead and arsenic. They also found organic pollutants and the pesticide DDT.

These metals and pollutants are known to hurt the immune and reproductive systems of marine mammals.

The heavy metals levels are higher than those found in the Yellow and Yangtze river estuaries, said Wu Yuping, a professor at the university's School of Marine Sciences.

Dolphin conservationists welcomed the research but said it was "nothing new."

"The problem now is not the lack of science or research," said Samuel Hung Ka-yiu, chairman of the Dolphin Conservation Society. "It's the lack of action" (Ernest Kao, *South China Morning Post*, Jan. 10). -- JE

## **WATER POLLUTION:**

# **Officials to remove shipwreck from Italian marine sanctuary in June**

Published: Friday, January 10, 2014

Italian officials today said the shipwrecked Costa Concordia will be removed from the Mediterranean Sea in June and dismantled for scrap at an as-yet-unidentified port.

Ports in Italy and around the world are bidding to dispose of the 1,000-foot cruise ship, which ran aground off Giglio Island after striking a reef in January 2012, killing 32 people (*Greenwire*, Sept. 16, 2013).

The site of the shipwreck is a marine sanctuary that is home to dolphins and various fish species. Italy's environment minister, Andrea Orlando, said he would prefer to have the ship towed to a local port to cut down on environmental damage during the journey (Nicole Winfield, *Associated Press*, Jan. 10). -- DB

## **WATER POLLUTION:**

# Del. judge tosses enviro suit over oil refinery

Published: Friday, January 10, 2014

A coalition of environmental groups has asked a Delaware Superior Court judge to reconsider a decision to dismiss a lawsuit seeking to force state regulators to require the Delaware City Refinery to meet stricter pollution standards.

The Delaware Riverkeeper Network and the state chapters of the Audubon Society and the Sierra Club sued Delaware regulators in an attempt to force state officials to develop a new federally required permit for the plant within six months.

The groups argued that the refinery, owned by PBF Energy, is responsible for the deaths of more than 45 million fish and organisms every year ([Greenwire](#), Oct. 2, 2013).

Judge Diane Clarke Street, who dismissed the case Jan. 2 even though the state had not requested the move, relied on assertions from Delaware's Department of Natural Resources and Environmental Control that it was within its rights to delay action while it waited for guidance from the federal government. The agency said it is waiting for new U.S. EPA rules on cooling water intakes, which it expects will be released next week (Jeff Montgomery, [Wilmington \[Del.\] News Journal](#), Jan. 9). -- **SP**

## CHINA:

# Philippines, Vietnam criticize new fishing rule in disputed waters

Published: Friday, January 10, 2014

The Philippines and Vietnam are blasting a new Chinese law that requires foreign anglers to seek approval from Beijing before fishing in the South China Sea.

The area in question has been part of a territorial claims war between Asian countries for years. Both the Philippines and Vietnam have been vocal critics of China's claim over the body of water because of its infringement on their exclusive economic zones.

In a statement released today, the Philippines' Department of Foreign Affairs said the new rule "escalates tensions, unnecessarily complicates the situation in the South China Sea, and threatens the peace and stability of the region."

The country has asked China for a clarification on the rule.

Luong Thanh Nghi, a spokesman for Vietnam's Foreign Ministry, reasserted the country's sovereignty over the Spratly and Paracel islands in a statement yesterday.

"All foreign activities in these areas without Vietnamese acceptance are illegal and invalid," he said.

The United States also criticized the new rule, saying it was dangerous and provocative ([Associated Press](#), Jan. 10). -- JE

**ClimateWire -- Mon., January 13, 2014 -- [Read the full edition](#)**

## **1. TECHNOLOGY: Washington, D.C.'s water utility takes lead in preparing cities for warming world**

Upstream at the U.S. Capitol, lawmakers may dither over the right national strategies to cope with climate change and some Republicans would prefer not to believe in it at all. But downstream, the largest facility of its kind in the world is busy preparing to protect the lawmakers and the capital from a foul-smelling catastrophe that could arise if the threat of sea-level rise is ignored.

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**8. COAL: Australia's high coal use hurts its OECD environmental ranking**

**9. NATIONS: Researchers study climate change's impacts on inhabitants of Bangladesh mangrove forest**

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**1. TRANSPORT: Environmentalists 'get real creative' to combat oil by rail**

Along the ice-filled Hudson River in Albany, N.Y., Global Companies LLC's plans to alter a rail yard have hit a snag.

**2. UTILITIES: Coal-dependent Mich. ready to make the switch**

If there is a "war on coal" being waged in the United States, then there's a new and somewhat surprising recruit in Michigan Gov. Rick Snyder.

## **THIS MORNING'S STORIES**

3. BARNETT SHALE: EPA, Texas officials to meet on Range contamination case

4. OIL AND GAS: Radio Disney bows out of industry-sponsored education tour amid enviro pressure

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